

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DONAL McLEAN SNYDER, III, ET AL.	§ § § § §	PLAINTIFFS
v.		CIVIL NO. 1:04CV627HSO-JMR
UNITED STATES OF AMERICA		DEFENDANT

JUDGMENT

This matter came on to be heard on the Defendant's Motion to Dismiss, or, in the Alternative, for Summary Judgment and Plaintiffs' Motion for Summary Judgment on the Applicability of the Discretionary Function Exception to Waiver of Sovereign Immunity Under the Federal Tort Claims Act. The Court, after a full review and consideration of the instant Motions, Responses, Defendant's Rebuttal, the pleadings on file, and the relevant legal authorities, finds that in accord with its order and reasons entered herewith,

IT IS, ORDERED AND ADJUDGED, that because Plaintiffs' Complaint is barred by the discretionary function exception to the Federal Tort Claims Act, Defendant's Motion to Dismiss must be granted, and pursuant to FED. R. CIV. P. 12(b)(1), the above captioned cause is dismissed for lack of subject matter jurisdiction.

SO ORDERED AND ADJUDGED this the 1st day of August, 2007.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE